

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KIMBERLY C. CUTONE and)	CIVIL ACTION No. 1:04-CV-12725 RCL
ANTHONY CUTONE)	
)	
Plaintiffs,)	
v.)	
ELI LILLY AND COMPANY, <i>et al.</i> ,)	Defendants.
)	

**STIPULATION OF DISMISSAL WITH PREJUDICE AS TO
DEFENDANT BRISTOL-MYERS SQUIBB COMPANY**

Pursuant to Fed. R. Civ. P. 41 (a) (1), through their counsel, the Plaintiffs and the Defendant Bristol-Myers Squibb Company hereby stipulate to the dismissal of this case with prejudice as it relates solely to Bristol-Myers Squibb Company, without any right of appeal, with the Plaintiffs and Bristol-Myers Squibb Company each bearing their own costs and fees.

A Praecipe of Dismissal with Prejudice, signed by out-of-state counsel for the Plaintiffs and Bristol-Myers Squibb Company, is attached hereto as Exhibit 1.

Respectfully Submitted,
KIMBERLY C. CUTONE and
ANTHONY CUTONE

Respectfully Submitted,
BRISTOL-MYERS SQUIBB COMPANY

/s/ Sheila Mone
Sheila Mone, BBO # 634615
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Brookline, MA 02445
(617) 566-2700

/s/ Mark E. Swirbalus
Mark E. Swirbalus, BBO # 631650
DAY, BERRY & HOWARD LLP
260 Franklin Street
Boston, MA 02110
(617) 345-4600

Dated : March 30, 2005

CERTIFICATE OF SERVICE

I, Mark E. Swirbalus hereby certify that on this 30th day of March, 2005, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to all counsel of record.

/s/ Mark E. Swirbalus
Mark E. Swirbalus

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

KIMBERLY C. CUTONE and *
ANTHONY CUTONE *

Plaintiffs *

v. Civil Action No.: 1:04-CV-12725 (RCL) *

ELI LILLY AND COMPANY, et al. *

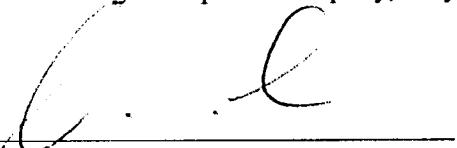
Defendants *

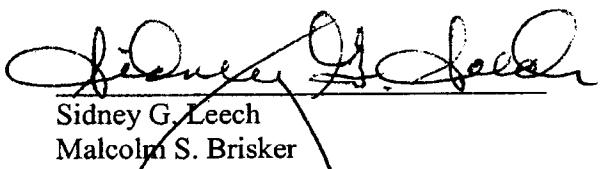
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PRAECIPE OF DISMISSAL WITH PREJUDICE

Mr. Clerk:

Please be advised that the Plaintiffs in the above-captioned case, acting through their counsel, Aaron M. Levine & Associates, P.A., and Defendant, Bristol-Myers Squibb Company, acting through its attorneys, Sidney G. Leech and Goodell, DeVries, Leech & Dann, LLP, have reached a settlement in the above-captioned case. These parties agree to the dismissal "With Prejudice" of the above-captioned case as to the Defendant, Bristol-Myers Squibb Company, only.


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*Attorneys for Defendant,
Bristol-Myers Squibb Company*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of March, 2005, a copy of a Praecipe of Dismissal With Prejudice regarding Defendant Bristol-Myers Squibb Company's was mailed via first class mail, postage-prepaid to:

Aaron M. Levine & Associates
1320 19th Street, NW - Suite 500
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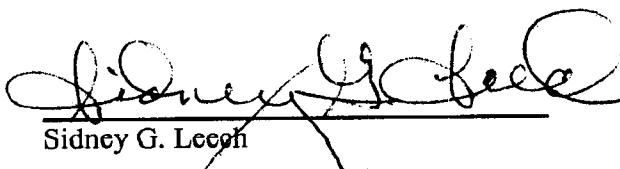
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Sidney G. Leech